

Appl. No. 09/472,197
Reply to Office Action of November 8, 2001

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 85-90 are pending. The present amendment amends claims 85, 87, and 89. The amendments to the claims are fully supported by the disclosure in the specification.¹

In the final Office Action, Claims 85-90 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 85 and 86 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Laor; Claim 87 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Jermyn; Claim 88 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Jermyn and further in view of Laor; and Claims 89 and 90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Csaszar et al.

Firstly, Applicants acknowledge with appreciation the decision of the Board of Patent Appeals and Interferences to reverse the 35 U.S.C. § 101 rejection.

Secondly, Applicants acknowledge with appreciation the courtesy of Examiner Hayes to conduct an interview for this case on September 16, 2003 during which time the remaining issues in the final Office Action were discussed. In particular, changes to the independent claims were discussed which would clarify that the defined fields in the claimed invention permit a processor to automatically deliver targeted advertisement to a first computer (e.g., a consumer's computer) in response to receiving to a purchase behavior classification included

¹Specification, page 5, lines 10-19, Figure 4(a), and Figure 9.

in one of the storage fields of the claimed computer readable mediums without having the processor access an offline purchase history of a consumer.

Scroggie et al disclose selecting targeted promotions and delivery of targeted promotions based on an analysis of the purchasing history.² There is no disclosure or suggestion in Scroggie et al for a system which enables targeted promotions to be delivered based on a purchase history classification without utilization of the consumer's purchase history. Jermyn relied on in the final Office Action for its teaching of purchase behavior classification likewise providing no teaching of using the purchase behavior classification without a consumer's purchase history. Examiner Hayes indicated that such changes to the independent claims would appear to overcome Scroggie et al, but indicated that further reviewing of the references was necessary.

The present amendment formally submits those changes discussed during the interview to clarify the independent claims. Accordingly, Applicants respectfully submit that the rejections of Claims 85-90 under 35 U.S.C. §103 have been overcome.

²Scroggie et al, pages 19-20 and Figure 14.

Appl. No. 09/472,197

Reply to Office Action of November 8, 2001

In view of the foregoing discussion, no further issues are believed to be outstanding in the present application. Therefore, Applicants respectfully request that this application be allowed and passed to issue

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Robert C. Mattson
Registration No. 42,850
Ronald A. Rudder, Ph. D.
Registration No. 45,618

CUSTOMER NUMBER

22850

(703) 413-3000

Facsimile (703) 413-2220

RCM:RAR:clh

I:\atty\RAR\amendments\7791\0092\amrce.wpd